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10/612,343

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EXAMINER

PHUONG, DAI

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,343

Applicant(s)

LIALIAMOU ET AL.

Examiner

DAI A. PHUONG

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-18, 20, 21, 24, 25, 28, 29, 31-35, 37 and 47-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-18, 20, 21, 24, 25, 28, 29, 31-35, 37 and 47-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, 14-18, 20, 35, 47-62, 71 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pincus et al. (Pub. No: 20050075957) and in view of Masuda (Pub. No: 2003/0078031).

Regarding claim 1, Pincus et al. disclose an apparatus 102 (see Fig. 1A, [0023] to [0029]. It is obvious that the apparatus includes hardware and software in order to perform these tasks), comprising:

a requesting unit 102 (see fig. 1) configured to request that in a first entity 104 (see fig. 1) including an information store configured to store information defining an amount of money for at least one user device 104 (fig. 1), a portion of said amount of money be reserved at the first entity, as a reserved portion ([0028]. Pincus et al. disclose that **the balance manager 102** determines whether the event should be authorized and determines a number of service units (monetary, token and duration) to authorize and **reserves a corresponding amount against the account**. Furthermore, Pincus et al. disclose in paragraph 29 that the balance manager 102 is operably coupled to **database 104. Database 104 maintains account information** including an account identifier used to associate the account with one or more wireless devices and account

balance information); and wherein the apparatus 102 is separate from said first entity 104, and said at least one user device 140 (fig. 1, [0023] to [0029]).

However, Pincus et al. do not disclose a controller configured to control *an allocation of said reserved portion* between *said a plurality of services to be accessed by said at least one user device in a session*, wherein the allocation is controlled after the request is made.

In the same field of endeavor, **Masuda** discloses a controller configured to control *an allocation of said reserved portion* between *said a plurality of services to be accessed by said at least one user device in a session*, wherein the allocation is controlled after the request is made ([0049] to [0052]. Masuda discloses that the balance is allotted in the case where a packet service is requested while a voice service is already being conducted, for example. Where a service request for packet communication is additionally made, the balance then allotted solely to the ongoing voice service is reallocated equally to the individual services, that is, the voice service and the packet service, without disconnecting the ongoing voice service).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically a controller configured to control an allocation of said reserved portion between said a plurality of services to be accessed by said at least one user device in a session, wherein the allocation is controlled after the request is made, as taught by **Masuda**, the motivation being in order to allot the balance of prepayment to a plurality of prepaid services to be conducted simultaneously.

Regarding claim 2, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Masuda discloses the apparatus wherein the controller is further to divide

said reserved portion is divided into a plurality of parts between said plurality of services (fig. 1, [0049] to [0051]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically the apparatus wherein the controller is further to divide said reserved portion is divided into a plurality of parts between said plurality of services, as taught by **Masuda**, the motivation being in order to allot the balance of prepayment to a plurality of prepaid services to be conducted simultaneously.

Regarding claim 3, the combination of Pincus et al. and Masuda disclose all the limitation in claim 2. Further, Masuda disclose the apparatus wherein the controller is further configured to divide said reserved portion is divided equally ([0046] to [0052]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically the apparatus wherein the controller is further configured to divide said reserved portion is divided equally, as taught by **Masuda**, the motivation being in order to allot the balance of prepayment to a plurality of prepaid services to be conducted simultaneously.

Regarding claim 4, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein the controller is further to configure to reallocate said reserved portion between said plurality of services when at least one of said plurality of services uses up its part of said reserved portion (fig. 1, [0054]).

Regarding claim 5, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Masuda disclose the apparatus wherein the controller is further to allocate

said reserved portion based on which of said plurality of services requires said reserved portion (fig. 1, [0049] to [0058]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically the apparatus wherein the controller is further to allocate said reserved portion based on which of said plurality of services requires said reserved portion, as taught by **Masuda**, the motivation being in order to allot the balance of prepayment to a plurality of prepaid services to be conducted simultaneously and without disconnect any services.

Regarding claim 6, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Masuda disclose the apparatus wherein the controller is further configured to allocate said reserved portion is allocated dynamically.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically disclose the apparatus wherein the controller is further configured to allocate said reserved portion is allocated dynamically, as taught by **Masuda**, the motivation being in order to allot the balance of prepayment to a plurality of prepaid services to be conducted simultaneously and without disconnect any services.

Regarding claim 7, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Masuda disclose the apparatus wherein the controller is further to allocate said reserved portion based on at least one of: service activity; number of services; and a unit cost of said plurality of services (fig. 1, [0049] to [0058]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically the apparatus wherein the controller is further to allocate said reserved portion based on at least one of: service activity; number of services; and a unit cost of said plurality of services, as taught by **Masuda**, the motivation being in order to allot the balance of prepayment to a plurality of prepaid services to be conducted simultaneously and without disconnect any services.

Regarding claim 8, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus further comprising a monitoring unit configured to monitor how much of said reserved portion has been used (fig. 1, [0050] to [0054]).

Regarding claim 9, the combination of Pincus et al. and Masuda disclose all the limitation in claim 8. Further, Pincus et al. disclose the apparatus wherein the monitoring unit is further configured to monitor said reserved amount by periodically determining how much of said reserved portion each of said plurality of services have used to provide a plurality of values and summing the plurality of values (fig. 1, [0050] to [0058]).

Regarding claim 10, the combination of Pincus et al. and Masuda disclose all the limitation in claim 8. Further, Pincus et al. disclose the apparatus wherein the monitoring unit is further configured to monitor how much of said reserved portion has been used by using information defining a cost of said plurality of services (fig. 1, [00250] to [0058]).

Regarding claim 11, the combination of Pincus et al. and Masuda disclose all the limitation in claim 10. Further, Pincus et al. disclose the apparatus wherein said information comprises a cost for one of a data or time unit (fig. 1, [0050] to [0058]).

Regarding claim 12, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein when said reserved portion is used up or has been at least partially used up a further portion of said amount of money is reservable (fig. 1, [0050] to [0058]).

Regarding claim 14, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein said information store comprises one of: a monetary value; a data amount representative of said amount of money; a time representative of said amount of money; and an amount of a service access parameter (fig. 1, [0047] to [0054]).

Regarding claim 15, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein at least one of said plurality of services comprises an Internet service (fig. 1, [0047] to [0054]).

Regarding claim 16, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus 102 further comprising a plurality of entities (Figure 1, [0023] to [0029]. It is obvious that the apparatus includes hardware and software to perform these tasks).

Regarding claim 17, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein said plurality of

entities comprises at least one of a traffic analyzer and a credit controller (fig. 1, [0020] to [0058]. It is obvious that the apparatus includes at least one of a traffic analyzer and a credit controller in order to measures a volume data of music or MP3 which the user is being download and the duration of the call has been made for charging purposed).

Regarding claim 18, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus wherein said controller comprises a credit controller (fig. 1, [0054] to [0058]. It is obvious that the apparatus includes at least one of a traffic analyzer and a credit controller in order to measures a volume data of music or MP3 which the user is being download and the duration of the call has been made for charging purpose).

Regarding claim 20, the combination of Pincus et al. and Masuda disclose all the limitation in claim 1. Further, Pincus et al. disclose the apparatus further comprising a storage configured to store information relating to a cost of said plurality of services (fig. 1, [0050] to [0058]).

Regarding claim 35, Pincus et al. disclose a method, comprising:

requesting a first entity 104 (see fig. 1A), the first entity storing information defining an amount of money for at least one user device 104 (see fig. 1A), for a portion of said amount of money to be reserved as a reserved portion at the first entity (fig. 1, [0028]. Pincus et al. disclose that the balance manager 102 determines a number of service units to authorize and reserves a corresponding amount against the account. In paragraph 49, furthermore, Pincus et al. disclose that typically the amount reserved will be less than the total amount available in the pre-paid

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account. This is desirable in order to allow multiple account users the opportunity to use the account to obtain services concurrently. It is obvious that the apparatus includes a number of hardware and software in order to perform these tasks);

and wherein a controller 102 is separate from said first entity 104, and said at least one user device 140 (fig. 1, [0023] to [0029]).

However, Pincus et al. do not disclose controlling at said controller an allocation of said reserved portion between said a plurality of services to be accessed by said at least one user device in a session, wherein the allocation is controlled after the request is made.

In the same field of endeavor, **Masuda** discloses controlling at said controller an allocation of said reserved portion between said a plurality of services to be accessed by said at least one user device in a session, wherein the allocation is controlled after the request is made ([0049] to [0052])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically controlling at said controller an allocation of said reserved portion between said a plurality of services to be accessed by said at least one user device in a session, wherein the allocation is controlled after the request is made, as taught by **Masuda**, the motivation being in order to allot the balance of prepayment to a plurality of prepaid services to be conducted simultaneously.

Regarding claim 47, this claim is rejected for the same reason as claim 2.

Regarding claim 48, this claim is rejected for the same reason as claim 3.

Regarding claim 49, this claim is rejected for the same reason as claim 4.

Regarding claim 50, this claim is rejected for the same reason as claim 5.

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Regarding claim 51, this claim is rejected for the same reason as claim 6.

Regarding claim 52, this claim is rejected for the same reason as claim 7.

Regarding claim 53, this claim is rejected for the same reason as claim 8.

Regarding claim 54, this claim is rejected for the same reason as claim 9.

Regarding claim 55, this claim is rejected for the same reason as claim 10.

Regarding claim 56, this claim is rejected for the same reason as claim 11.

Regarding claim 57, this claim is rejected for the same reason as claim 12.

Regarding claim 58, this claim is rejected for the same reason as claim 14.

Regarding claim 59, this claim is rejected for the same reason as claim 15.

Regarding claim 60, this claim is rejected for the same reason as claim 16.

Regarding claim 61, this claim is rejected for the same reason as claim 17.

Regarding claim 62, this claim is rejected for the same reason as claim 18.

Regarding claim 71, this claim is rejected for the same reason as claim 1.

Regarding claim 73, this claim is rejected for the same reason as claim 1.

3. Claims 21, 24-25, 28-29, 32-34, 37, 63-66, 68-70, 72 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pincus et al. (Pub. No: 20050075957) and in view of Masuda (Pub. No: 2003/0078031) and further in view of Ephraim et al. (Pub. No.: 20040077332).

Regarding claim 21, Pincus et al. disclose an apparatus 102 (see Fig. 1A, [0023] to [0029]. It is obvious that the apparatus includes a number of hardware and software in order to perform these tasks), comprising:

a requesting unit 102 configured to request reservation of a portion of an amount of money defined by information stored at the first entity 104 (fig. 1, [0028]. Pincus et al. disclose that the balance manager 102 determines a number of service units to authorize and reserves a corresponding amount against the account. In paragraph 49, furthermore, Pincus et al. disclose that typically the amount reserved will be less than the total amount available in the pre-paid account. This is desirable in order to allow multiple account users the opportunity to use the account to obtain services concurrently. It is obvious that the apparatus includes a number of hardware and software in order to perform these tasks);

However, Pincus et al. do not disclose a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed simultaneously by a user device; a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount; and a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount.

In the same field of endeavor, Masuda discloses a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed simultaneously by a user device ([0049] to [0052]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed simultaneously by a user device, as taught by **Masuda**, the motivation being in order to

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allot the balance of prepayment to a plurality of prepaid services to be conducted simultaneously and without disconnect any services.

However, the combination of Pincus et al. and Masuda do not disclose a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount; and a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount.

In the same field of endeavor, Ephraim et al. disclose a receiver 38 configured to receive from said first entity 34 information defining an amount of said reserved portion in a first form other than a monetary amount (fig. 2, [0046] and [0054]). Ephraim et al. disclose that **the data monitor 38 sends the required number of tokens to be obtained from the account of the subscriber to prepaid server 34** (optionally through Data Payment Server 32). If sufficient funds are available, **then prepaid server 34 sends the required tokens to data monitor 38,** thereby enabling the transfer to occur, and debits the account of the subscriber appropriately. In other words, after receiving the data request from the subscriber, the data monitor 38 sends a reserved portion in a first form other than a monetary amount (the data monitor 38 sends the required number of tokens) **to prepaid server 34, then prepaid server 34 sends the required tokens to data monitor 38** (the data monitor receiver 38 configured to receive from said the prepaid server 34 (first entity) information defining an amount of said reserved portion (requested token) in a first form other than a monetary amount)); and

a converter 38 configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount (fig. 2, [0012]. Ephraim et al. disclose the value of the tokens (first form) is converted to a monetary value (second form) for debiting the account of the use).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed simultaneously by a user device; a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount; and a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount, as taught by Ephraim et al., the motivation being in order to determine whether a requested data should be continue/transfer based upon the prepaid amount available in the account of the system.

Regarding claim 24, the combination of Pincus et al. and Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein first form is one of a cost for a unit amount of a payment parameter of at least one service of said plurality of services (fig. 1, [0040] to [0058]).

Regarding claim 25, the combination of Pincus et al. and Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said payment parameter is data volume, time, or service parameter of at least one service of said plurality of services (fig. 1, [0040] to [0058]).

Regarding claim 28, the combination of Pincus et al. and Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus said information in said first form comprises said unit amount (fig. 1, [0040] to [0058]).

Regarding claim 29, the combination of Pincus et al. and Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said controller is arranged to convert said unit amount to a corresponding monetary amount to provide said second form (fig. 1, [0040] to [0058]).

Regarding claim 32, the combination of Pincus et al. and Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said first form comprises at least one of time, data volume, or service access parameter (fig. 1, [0040] to [0058]).

Regarding claim 33, the combination of Pincus et al. and Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said service access parameter comprises at least one of number of clicks or number of accesses (fig. 1, [0020] to [0058]).

Regarding claim 34, the combination of Pincus et al. and Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Pincus et al. disclose the apparatus wherein said second form comprises monetary value, number of clicks and number of accesses (fig. 1, [0020] to [0058]).

Regarding claim 37, this claim is rejected for the same reason as claim 21.

Regarding claim 63, this claim is rejected for the same reason as claim 24.

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Regarding claim 64, this claim is rejected for the same reason as claim 25.

Regarding claim 65, this claim is rejected for the same reason as claim 28.

Regarding claim 66, this claim is rejected for the same reason as claim 29.

Regarding claim 68, this claim is rejected for the same reason as claim 32.

Regarding claim 69, this claim is rejected for the same reason as claim 33.

Regarding claim 70, this claim is rejected for the same reason as claim 34.

Regarding claim 72, this claim is rejected for the same reason as claim 21.

Regarding claim 74, this claim is rejected for the same reason as claim 21.

4. Claims 31 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pincus et al. (Pub. No: 20050075957) in view of Masuda (Pub. No: 2003/0078031) and further in view of Ephraim et al. (Pub. No.: 20040077332) and further in view of Ramakrishnan et al. (Pub. No: 20040148384).

Regarding claim 31, the combination of Pincus et al. and Masuda disclose all the limitation in claim 21. However, the combination of Pincus et al. and Masuda do not disclose the apparatus which is configured to operate in accordance with a remote authentication dial-in user service (RADIUS) protocol.

In an analogous art, Ramakrishnan et al. disclose the apparatus wherein said controller operates in accordance with a remote authentication dial-in user service (RADIUS) protocol ([0026] to [0031]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pincus et al. by specifically including disclose the

apparatus wherein said controller operates in accordance with a remote authentication dial-in user service (RADIUS) protocol, as taught by Ramakrishnan et al., the motivation being in order to provide a plurality of prepaid services at the same time and high quality services.

Regarding claim 67, this claim is rejected for the same reason as claim 31.

Response to Argument

5. Applicant's arguments filed 12/12/2008 have been fully considered but they are not persuasive. Please see explanation below.

Applicant, on page 19 of the remark, argues that the combination of Pincus and Masuda fails to disclose, teach or suggest, at least, "a portion of said amount of money be reserved at the first entity." However, the Examiner respectfully disagrees.

Pincus discloses in paragraph 28 that a balance manager 102 receives requests to authorize charges against an account associated with a wireless device. In the case of some content and goods or services, the charge may be known up-front and authorization is a relatively simple matter of comparing the charge amount with the pre-paid balance for the account associated with the wireless device. However, **in the case of content and other downloads that may have connection and airtime charges, the charged amount cannot be determined up-front, because the number of service units required for a particular event is not known until the event has terminated.** In order to handle such cases, the balance manager 102 determines whether the event should be authorized. In addition, in some embodiments, **the balance manager determines a number of service units to authorize and reserves a corresponding amount** against the account. The reservation can be committed if the event completes successfully. Alternatively, the reservation can be cancelled if the event does not

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complete successfully. Furthermore, the reservation can expire if the event does not complete within a predetermined amount of time. Further details on the reservation process are provided in the next section. In other words, in the case of content and other downloads that may have connection and airtime charges, the charged amount cannot be determined up-front.

Therefore, **the balance 102 determines to reserve** a portion of said amount of money be reserved at the database104 (database 104 maintains account information of users).

Applicant, on page 19 of the remark, argues that Masuda does not cure the deficiencies of Pincus. The portion of Masuda cited by the Office Action merely discloses the process of allotting a balance of a prepayment to a plurality of prepaid services, in the case where two or more services are being conducted simultaneously. Thus, Masuda also fails to disclose, or suggest, the aforementioned limitation of independent claims 1, 35, and 71. However, the Examiner respectfully disagrees.

Firstly, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., in the case where two or more services are being conducted simultaneously) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, Masuda discloses, in paragraph 49 to paragraph 52, how the balance is allotted in the case where a packet service is requested while a voice service is already being conducted, for example. Where a service request for packet communication is additionally made, the

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balance then allotted solely to the ongoing voice service is reallocated equally to the individual services, that is, the voice service and the packet service, without disconnecting the ongoing voice service. In other words, the system allots the balance for two or more services are being conducted **simultaneously.**

Applicant, on page 23-24 of the remark, argues that the combination of Pincus, Masuda, and Ephraim fails to disclose, teach, or suggest, at least, "*a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount,*" and "*a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount,*" as recited in independent claim 21, and similarly recited in independent claims 37 and 72. However, the Examiner respectfully disagrees.

Ephraim discloses in paragraph 45 and paragraph 46 that when the subscriber is sending the request for the data transfer; a data monitor 38 then calculates the total amount required for the data transfer to occur before such a transfer actually occurs. If such a calculation is performed in terms of an arbitrary internal unit such as tokens, then preferably a sufficient number of such tokens or other units are received from prepaid server 34, which then debits the account of the subscriber accordingly. Next, **the data monitor 38 sends the required number of tokens to be obtained from the account of the subscriber to prepaid server 34** (optionally through Data Payment Server 32). If sufficient funds are available, **then prepaid server 34 sends the required tokens to data monitor 38,** thereby enabling the transfer to occur, and debits the account of the subscriber appropriately. In other words, after receiving the data

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request from the subscriber, the data monitor 38 sends a reserved portion in a first form other than a monetary amount (the data monitor 38 sends the required number of tokens) **to prepaid server 34, then prepaid server 34 sends the required tokens to data monitor 38** (the data monitor receiver 38 configured to receive from said the prepaid server 34 (first entity) information defining an amount of said reserved portion (requested token) in a first form other than a monetary amount). Furthermore, Ephraim discloses in paragraph 12 that the value of the tokens (first form) is converted to a **monetary value** (second form) for debiting the account of the user.

Applicant, on page 23-24 of the remark, argues that Ramakrishnan also does not disclose, teach, or suggest, at least, *"a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount,"* and *"a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount,"* as recited in independent claim 21; and *"requesting a first entity, the first entity storing information defining an amount of money for at least one user device, for a portion of said amount of money to be reserved as a reserved portion at the first entity, at a controller separate from said first entity and at least one user device,"* as recited in independent claim 35. Thus, the combination of Pincus, Masuda, Ephraim, and Ramakrishnan does not disclose, teach, or suggest all of the elements of claims 31 and 67. Additionally, claims 31 and 67 should be allowed for at least their dependence upon independent claims 21 and 35, and for the specific elements recited therein. However, the Examiner respectfully disagrees.

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In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/
Examiner, Art Unit 2617
Date: 02/19/2009

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617